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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/018,954	03/29/2002	Takao Yoshimine	450101-03179	5975

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EXAMINER

NGUYEN, LE V

ART UNIT PAPER NUMBER

2174

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/018,954	YOSHIMINE, TAKAO	
	Examiner	Art Unit	
	Le Nguyen	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is responsive to an amendment filed 2/3/05.
2. Claims 1-10 are pending in this application; and, claims 1, 9 and 10 are independent and newly amended. This action is made Final.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1, 9 and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Although section [0065] of the publication describes "shared data items"/"shared image data items" to be "data item selected", it is unclear what is meant by "second storage means for storing *shared scenarios*" since neither the term "shared scenarios" nor "second storage means" is in the specification. Furthermore, the terms "first storage means" and "third storage means" were not found in the specification either. The examiner will interpret: "first storage means" to mean a storage area; "second storage means" to mean another storage area; "third storage means" to mean yet another storage area; and, "storing shared scenarios and shared image data items" to mean storing scenarios that may be used by others.

Claim Rejections - 35 USC § 103

6. Claims 1 - 5 and 7 - 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bourdelais in view of Lin.

As per claim 1, Bourdelais teaches a data-providing apparatus for editing image data in response to a demand transmitted from a data-processing apparatus through a network, said data-providing apparatus comprising:

first acquisition means for acquiring a one or more scenarios in response to a demand made by the data-processing apparatus (see figs. 4 and 5; and col. 9, lines 18 - 35);

second acquisition means for acquiring a given number of image data items that will be used in the scenario, in response to a demand made by the data processing apparatus (see fig. 8 and col. 10, lines 24 - 33);

first storage means for storing the one or more scenarios and the image data items (fig. 14; col. 12, lines 31-38);

second storage means for storing shared scenarios and shared image data items (col. 8, lines 12-20);

third storage means for temporarily storing edited scenarios and edited image data items (col. 7, lines 33-36; col. 15, lines 6-23);

means for selecting prescribed ones of the image data items acquired by the second acquisition means and for allocating the prescribed image data items to the scenes of the scenario acquired by the first acquisition means (see figs. 8 and 9; and col. 10, lines 14 - 55); and

editing means for editing the image data items that are allocated to the scenes of the acquired scenario (see figs. 9 and 10; and col. 10, line 56 - col. 1, line 20).

Bourdelaïs does not teach each scenario comprising a plurality of scenes that lasts a predetermined time in response to a demand made by the data-processing apparatus. Lin teaches an acquisition means for acquiring a scenario comprising a plurality of scenes that lasts a predetermined time in response to a demand made by the data-processing apparatus (see col. 2, lines 60 - 65). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Lin with the method of Bourdelaïs in order to allow an improved method of editing multimedia documents.

As per claim 2, the modified Bourdelaïs further teaches the data-providing apparatus according to claim 1, wherein special effects are allocated to the scenes of the acquired scenario, and the apparatus further comprises effect-applying means for applying the special effects to the image data items allocated to the scenes (Bourdelaïs: see col. 10, line 13 - 17 and col. 11, lines 21 - 26).

As per claim 3, the modified Bourdelaïs teaches the data-providing apparatus according to claim 2, further comprising transmission control means for controlling the transmission of the image data generated by applying the special effects to the image data items by the effect-applying means (Bourdelaïs: see col. 8, lines 9 - 20 and col. 14, lines 22 - 33).

As per claim 4, the modified Bourdelaïs further teaches the data-providing apparatus according to claim 2, further comprising recording control means for

controlling the recording of the image data generated by applying the special effects to the image data items by the effect-applying means (Bourdelaïs: see col. 14, lines 22 - 33).

As per claim 5, the modified Bourdelaïs and Lin do not teach the data-providing apparatus according to claim 1, wherein the first acquisition means acquires a scenario selected from a plurality of scenarios. However, the Examiner takes official notice that selecting from a plurality of files is notoriously well known in the art. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate selecting from a plurality of files with the method of Bourdelaïs and Lin in order to provide a diverse set of options to the user.

As per claim 7, the modified Bourdelaïs teaches the data-providing apparatus according to claim 1, wherein the second acquisition means acquires the image data items supplied from the data-processing apparatus (Bourdelaïs: see col. 15, lines 6 - 14).

As per claim 8, the modified Bourdelaïs further teaches the data-providing apparatus according to claim 1, wherein the second acquisition means acquires the image data items supplied from another data-processing apparatus (Bourdelaïs: see col. 8, lines 9 - 20).

As per claims 9 and 10, they are of similar scope to claim 1 and are rejected under the same rationale (see rejection above).

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bourdelais in view of Lin as applied to claim 1, and further in view of Davis et al. ("Davis").

As per claim 6, the modified Bourdelais do not teach the data-providing apparatus according to claim 5, wherein a plurality of music items are allocated to the one or more scenarios. Davis teaching comprises a plurality of music items being allocated to one or more scenarios (see col. 4, lines 34 - 40). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Davis with the method of the modified Bourdelais in order to provide an improved method for creation of a multimedia file.

Response to Arguments

8. Applicant's arguments filed 2/3/2005 have been fully considered but they are not persuasive.

Applicant argued the following:

Bourdelais, Lin and Davis do not teach: first storage means for storing the one or more scenarios and the image data items; second storage means for storing shared scenarios and shared image data items; third storage means for temporarily storing edited scenarios and edited image data items.

The examiner disagrees for the following reasons:

Bourdelais does teach a first storage means for storing the one or more scenarios and the image data items (fig. 14; col. 12, lines 31-38), a second storage

means for storing shared scenarios and shared image data items (col. 8, lines 12-20) and a third storage means for temporarily storing edited scenarios and edited image data items (col. 7, lines 33-36; col. 15, lines 6-23).

Furthermore, the Office notes that applicant did not contest the factual assertion set forth under official notice on page 4 of the Office Action of 11/3/04.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Inquires

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Lê Nguyen whose telephone number is (571)

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272-4068. The examiner can normally be reached on Monday - Friday from 7:00 am to 3:30 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (571) 272-4063.

The fax numbers for the organization where this application or proceeding is assigned are as follows:

(703) 872-9306 [Official Communication]

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

LVN
Patent Examiner
May 21, 2005

Kristine Kincaid
KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
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